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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,718	01/19/2005	Paulus Cornelis Neervoort	NL 020633	2379

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EXAMINER	
HUYNH, THU V	
ART UNIT	**PAPER NUMBER**
2178	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,718	NEERVOORT ET AL.	
	Examiner	Art Unit	
	Thu V. Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 01/18/07 to application filed on 01/12/05; which has foreign priority filed on 07/24/2002.

2. Claims 1-4 and 7 are currently amended. Claims 8-10 are currently added.

3. Claims 1-7 are pending in the case. Claims 1 and 7 are independent claims.

4. The objection of abstraction in the previous office action has been withdrawn as necessitated by the amendment.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 08/31/05.The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-7 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 1 and 5-7, respectively of copending Application No. 10/521,706. Although the conflicting claims are not identical, they are not patentably distinct from each other because: the steps for performing the method in '706 is the same as the steps in instant application, excepting the "game element" and "game board" in the '706 are respectively called "display unit" and "media device" in the instant application.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize that game element includes in a display for the user plays the game and the game board is a media device.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-9 rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al., US 7,124,367 B2, filed 06/05/02.

Regarding independent claim 1, Anderson teaches the steps of:

- connecting or attaching the display unit to a first location relative to a media device (Anderson, col.4, lines 10-33; connecting a display unit, such as a camera or PDA device to a port of a computer);
- determining, by the media device, the first location of the display unit (Anderson, col.4, lines 10-33; computer monitors which port is used to connect to the device);
- determining, by the media device, a first information item representing content, wherein said first information item is selected on said first location relative to content presented on the media device (Anderson, col.4, lines 10-35; determining, by the computer, a user interface based on which port the device is connected);
- transferring, by the media device, the first information item to the display unit (Anderson, col.4, lines 10-33, 53-60; the selected user interface is provided to the device for a user interacts)
- receiving and presenting said first information item on the display unit (Anderson, col.4, lines 19-35, 53-60; the selected user interface is displayed on the device to the user for interaction).

Regarding claim 2, which is dependent on claim 1, Anderson teaches the steps of:

- transmitting, by at least one transmitter located on the display unit, at least one signal identifying said display unit (Anderson, col.4, lines 19-33; transmitting a signal to indicate the device utilizing the port);
- receiving, by at least one sensor located on the media device, at least one identifying signal (Anderson, col.4, lines 19-35; the computer detects the device utilizing the port);
- determining, by the media device, the first location based on at least one identifying signal (Anderson, col.4, lines 19-35; the computer determines which port the device is connected).

Regarding claim 3, which is dependent on claim 1, Anderson teaches the steps of:

- disconnecting the display unit from the first location (Anderson, col.4, lines 10-33; a device can connect to or disconnect from different ports); and
- connecting the display unit to a second location relative to the media device (Anderson, col.4, lines 19-67; connecting the device to a second port).
- determining, by the media device, a second information item representing content, wherein said second information item is selected based on said second location relative to content presented on the media device (Anderson; col.4, lines 19-33; determining, by the computer, a user interface based on which port the device is connected).

Regarding claim 4, which is dependent on claim 1, refer to the rationale relied to reject claim 1, the limitation of "the media device is a personal computer, a television, a camera, a video camera, a game unit or mobile unit" is included. The rationale is incorporated herein.

Claim 5 is for a computer system performing the method of claim 1 and is rejected under the same rationale.

Claim 6 is for a computer readable medium comprising program codes for performing the method of claim 1 and is rejected under the same rationale.

Regarding independent claim 7, Anderson teaches the steps of:

- means for connecting or attaching to a first location relative to a media device (Anderson, col.4, lines 10-33; connecting a display device to computer through a port);
- means for transmitting, by at least one transmitter located on the display unit, at least one signal identifying said display unit (Anderson, col.4, lines 10-33; sending display device's information regarding type of the display device, functionality of the display device, identity of the device); and
- means for receiving and means for presenting a first information item representing content, wherein the first information item is dependent on said location and content presented on the media device, and wherein said first information item is sent from the media device (Anderson. col.4, lines 10-33; determining, by the computer, a user

interface based on which port the device is connected and displaying the user interface on the display device for the user interacts).

Regarding claim 8, which is dependent on claim 1, Anderson teaches determining the first information item is performed automatically in response to the display unit being connected or attached (Anderson, col.4, lines 10-33).

Regarding claim 9, which is dependent on claim 7, Anderson teaches automatically receive the first information item in response to the display unit being connected or attached (Anderson; col.4, lines 10-33).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> (b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied to claim 1 above and further in view of Nakao, US 6,352,322 B1, filed 04/1999.**

Regarding dependent claim 10, which is dependent on claim 7, Anderson does not explicitly teach the display unit is one of a hexagonal, triangular, circular and elliptical layout.

Nakao teaches the display unit is one of a hexagonal, triangular, circular and elliptical layout (Nakao, col.24, lines 36-53).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Nakao's teaching and Anderson's teaching, since the combination would have improved the quality of appearance of the portable display devices, such as camera, PDA, that connect to different ports of Anderson's computer system.

Response to Arguments

10. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that "applicants will consider filling a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims". Therefore, the double patenting remains rejected in this office action.

Applicants argue with respect to claims 1-7 that Campbell teaches a file is copied to the display unit based on the user manually determining the images that are to be copied to the display; Campbell does not teaches identify a relative position of the display unit (Remarks, page 11-12).

Examiner agrees. However, Anderson teaches such limitation as explained in the rejection above.

Applicants argue that Campbell does not disclose the new limitations of claims 8-10 (Remarks, page 13 second paragraph).

However, Anderson and/or Nakao teaches such limitation as explained in the rejection above.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hazama, US 2001/0014622 A1, filed 03/01, teaches data carrier, game machine using data carrier, information communication method.

Allen, US 2002/0199181 A1, filed 06/01, teaches webcam-based interface for initiating two-way video communication and providing access to cached video.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thu V. Huynh
March 30, 2007